IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.8070 OF 2004

Shri Sunil Ramchandra Nalavade, .. Petitioner.

Vs

1. The Tahsildar Phaltan,

District: Satara

and ors. .. Respondents

Mr S.M.Sabrad, for the petitioner.

Mr A.H.Palekar, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 14th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The petitioner has impugned the order dated 15.9.2004 passed by respondent no.1, calling upon the petitioner to forthwith stop excavation of sand and submit the books of accounts to its office. Mr.Sabrad, learned counsel for the petitioner, submits that this order was passed without following due process of law and is against the principles of natural justice inasmuch as no opportunity of being heard was granted to the petitioner. According to Mr Sabrad, the impugned order was passed without issuing a show cause notice to the petitioner. Mr Palekar, learned AGP, has not

controverted the submissions made by Mr Sabrad. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, the following order will meet the ends of justice:

(i) The order, impugned in the instant petition, passed by respondent no.1 on 15.9.2004, is quashed and set aside. Respondent no.1 to pass fresh order on merits in accordance with law after giving an opportunity of being heard to the petitioner, as expeditiously as possible and preferably within a period of eight weeks from today.

(ii) The petitioner to appear before respondent no.1 on 25.10.2004 at 11 am with a copy of this order to enable respondent no.1 to fix the schedule of hearing and pass appropriate order, as indicated above, within timeframe.

(iii) It is open for the petitioner to move the Collector, Satara requesting him to decide his application dated 30.8.2004 (Exhibit-H), pending before him expeditiously. If such an attempt is made, the Collector may pass appropriate orders in the application dated 30.8.2004, as expeditiously as possible and preferably within a period of six weeks from the date of receipt of this order.

(iv) The writ petition is disposed of.

. Parties to act on an authenticated copy of this order which may be made available to them.

(D.B.BHOSALE, J.)